

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

CHARLES MYRON TAYLOR, II, :

Plaintiff, :

v. :

Commissioner TIMOTHY C. WARD, :
et al., :

Defendants. :

No. 4:20-cv-00007-CDL-MSH

ORDER

Plaintiff Charles Myron Taylor, II, a prisoner in Rutledge State Prison in Columbus, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Compl., ECF No. 1. Plaintiff also moved for leave to proceed in this action *in forma pauperis*. Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2. On May 18, 2020, this Court dismissed Plaintiff's complaint for failure to comply with court orders. Order Dismissing Compl., ECF No. 16.

On June 16, 2020, Plaintiff filed a notice of appeal from the dismissal order. Notice of Appeal, ECF No. 18. Thereafter, on July 15, 2020, the Eleventh Circuit dismissed Plaintiff's appeal for failure to pay the appellate filing fee or move to proceed *in forma pauperis*. Mandate of USCA Dismissing Notice of Appeal, ECF No. 22. Plaintiff then filed a motion in this Court, which appeared to be seeking leave to appeal *in forma pauperis*. Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 23. This Court denied that motion on December 1, 2020. Order, ECF No. 24.

Plaintiff has now filed a new document, in which he appears to be moving for the appointment of counsel and seeking reconsideration of the order denying him leave to proceed *in forma pauperis*. Mot. to Appoint Counsel and Response to Order, ECF No. 25. Motions for reconsideration are not to “be filed as a matter of routine practice.” M.D. Ga. Local R. 7.6. Instead, reconsideration is only appropriate when “(1) there has been an intervening change in the law; (2) new and previously unavailable evidence has been discovered through the exercise of due diligence; or (3) the court made a clear error of law.” *Fla. Found. Seed Producers, Inc. v. Ga. Farms Servs., Inc.*, 977 F. Supp. 2d 1336 (M.D. Ga. 2013).

Although Plaintiff’s motion is less than clear, he appears to be asserting that he cannot be charged a filing fee because he had filed a U.C.C. Financing Statement Form. Mot. to Appoint Counsel and Response to Order 1, ECF No. 25. This argument does not show an intervening change in the law, new and previously unavailable evidence, or that this Court made any clear error of law. Regardless of whether Plaintiff has filed a U.C.C. Financing Statement, he is a prisoner subject to the provisions of 28 U.S.C. § 1915, which means that he must pay the filing fee for any action or appeal that he files *in forma pauperis*. *See* 28 U.S.C. § 1915(b)(1).

Thus, Plaintiff has not identified any grounds for reconsideration of the previous order denying him leave to appeal *in forma pauperis* and ordering him to pay the appellate filing fee in installments. Moreover, because Plaintiff’s case and appeal have been dismissed, his request for the appointment of counsel is moot. Therefore, Plaintiff’s motion seeking the appointment of counsel and reconsideration of the denial of leave to

proceed *in forma pauperis* on appeal (ECF No. 25) is **DENIED**.

SO ORDERED, this 29th day of December, 2020.

S/Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA